

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

CLAYTON G. GAVULICH,

Plaintiff,

v.

JEFFERSON CAPITAL SYSTEMS, LLC

Defendants.

Case No. 2:22-cv-357

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Jefferson Capital Systems, LLC (“JCAP”), through undersigned counsel, hereby removes this action from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania. In support of this Notice of Removal, JCAP states:

1. On February 1, 2022, Plaintiff, Clayton G. Gavulich (“Plaintiff”), commenced a civil action in the Court of Common Pleas of Allegheny County, Pennsylvania, entitled and captioned *Clayton G. Gavulich v. Jefferson Capital Systems, LLC*, Case No. AR-22-000357 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the Complaint, Plaintiff alleges statutory causes of action against JCAP under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.* A true and correct copy of Plaintiff’s Complaint is attached hereto as **Exhibit A**. Therefore, this

Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint alleges a cause of action arising under the laws of the United States. Because Plaintiff affirmatively alleges violations of the FDCPA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

3. JCAP was served with a copy of the Summons and Complaint on February 7, 2022.

4. The time within which JCAP is required by the laws of the United States, 28 U.S.C. § 1446(b), to file this notice of removal has not yet expired. This Notice of Removal is timely, having been filed within 30 days of the date on which JCAP received a copy of the Summons and Complaint. *See* 28 U.S.C. § 1446.

5. The Court of Common Pleas of Allegheny County, Pennsylvania, is located within the United States District Court for the Western District of Pennsylvania. Therefore, venue for purposes of removal is proper because the United States District Court for the Western District of Pennsylvania embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

6. Written notice of this Notice of Removal of this action is being immediately provided to the Court of Common Pleas of Allegheny County, Pennsylvania. *See* **Exhibit B** attached hereto.

WHEREFORE, Defendant, Jefferson Capital Systems, LLC gives notice that this action is removed from the Court of Common Pleas of Allegheny County, Pennsylvania, to the United States District Court for the Western District of Pennsylvania.

Dated: February 28, 2022

Respectfully Submitted,

/s/ Aaron R. Easley

Aaron R. Easley, Esq. (#73683)

SESSIONS, ISRAEL & SHARTLE, LLC

3 Cross Creek Drive

Flemington, NJ 08822

Telephone No.: (908) 237-1660

Facsimile No.: (877) 344-0661

aeasley@sessions.legal

Attorney for Defendant,

Jefferson Capital Systems, LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2022 a copy of the foregoing was served on all counsel and parties of record electronically via CM/ECF and U.S. Mail.

Eugene D. Frank, Esquire

PA ID No. 89862

Law Offices of Eugene D. Frank, P.C.

3202 McKnight East Drive

Pittsburgh, PA 15237

Gregory T. Artim, Esquire

PA ID No. 80886

Artim Law, LLC

1751 Lincoln Highway

North Versailles, PA 15137

/s/ Aaron R. Easley

Aaron R. Easley, Esq.